Health Canada Santé Canada

Human Resource Guidelines for the Management of First Nations and Inuit Health Programs

April 2000

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Health Canada

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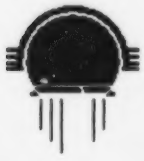
About These Guidelines

Purpose

A goal of any First Nation or Inuit health board or authority is to provide effective, high-quality health services to the community. But in order to do so, you need personnel policies that will help you to attract and retain qualified people to deliver your programs and services. You also need policies that promote a safe, healthy working environment, and which provide an employee benefit package that is as competitive as possible, given your particular circumstances.



To ensure smooth operation of the workplace, First Nation and Inuit communities need to plan well ahead for changes in the workforce that will happen when Transfer comes into effect.

These guidelines will be useful to First Nation and Inuit organizations developing personnel policies for the first time or reviewing their policies as the new health team blends into the community's existing workforce. Although these guidelines are presented within the context of Health Services Transfer, much of the content is applicable to any workplace. The guidelines cover practical topics such as writing job descriptions and determining what to pay people for doing a given job. They also include key provisions of the Canada Labour Code and the Canadian Human Rights Act to be used in developing personnel policies. The guidelines also cover information on pensions, other benefits, and insurance.

These guidelines are not meant to replace existing workforce regimes that function effectively for First Nation and Inuit organizations which are already employers. However, they do cover important human resource considerations for all organizations involved in Health Services Transfer, whether in the planning stages or as an established health employer.

Keeping Up-to-Date

The human resources field is rapidly changing. Employers must keep up to date on federal and provincial labour codes, occupational health and safety legislation, and human rights provisions because they affect personnel policies. In addition, shifts in supply and demand for specific professions make it necessary for employers to carry out regular reviews of

salaries, pensions and other benefits in order to maintain good relations with staff and to recognize the contribution they make to the health of the community.

This document was prepared by the First Nations and Inuit Health Branch (formerly the Medical Services Branch) of Health Canada. The guidelines synthesize and update information formerly offered to First Nation and Inuit health authorities in the following Health Canada publications:

- *Personnel Guidelines for First Nation Health Boards*
- *Pensions and Other Benefits: A Guide for First Nation Health Boards*
- *What First Nation Health Boards Should Know About Insurance.*

These guidelines summarize key human resource considerations and provide references to Internet websites managed by a variety of organizations. These sites offer more detailed information and are updated regularly.

To ensure that you have the most current version of these guidelines, contact the Regional Office of the First Nations and Inuit Health Branch or go to the First Nations and Inuit Health Branch website:

http://www.hc-sc.gc.ca/msb/pptsp/hfa_e.htm

These guidelines and other useful information about Health Services Transfer can be downloaded from the First Nations and Inuit Health Branch website.

A Note About Using Internet Websites

References to Internet websites are made throughout these guidelines and the websites are listed and annotated in Appendix A. Every effort has been made to find the most useful and up-to-date websites. However, no guarantees can be made about how current these websites will be in the future or even whether they will exist. Justice Canada has assembled a secure stable site providing permanent links to pieces of legislation, some of which are especially important to employers. These stable sites are often very basic with few graphics. They can be identified by the designation "STABLE" within their address. Where available, these sites have been referenced as alternate sites in case the more user-friendly choice is no longer in use.

For an overview of general aspects of human resource management, see the website references in Appendix A under topic 1, General Human Resource Information.

Introduction

Human Resource Management Expertise

The field of human resources has become complex. How an organization manages its human resources affects how smoothly the workplace operates and also may have costly legal implications. Diverse human resource expertise is required to run an organization effectively.

This document introduces key aspects of human resource management and refers to websites that have additional details. The topics covered include:

- job descriptions
- setting pay levels
- the Canada Labour Code and the Canadian Human Rights Act
- personnel policies
- pensions and other benefits
- insurance.

The relationship between the federal government and First Nation and Inuit people across Canada is evolving. As First Nations and Inuit communities take greater responsibility for delivery of programs and services to their members, they often employ some or all of the federal government employees who provided those services in the past. Two policies have had a particular impact for First Nations and Inuit communities undertaking Transfer in the past few years — "federal work force adjustment" and "legislated successor rights".

To enhance your hiring opportunities, communities planning for Transfer should find out about the implications of federal work force adjustment and legislated successor rights well in advance of signing the Transfer Agreement. You may want to seek the advice of a human resource specialist who is familiar with Transfer issues.

Work Force Adjustment

The jobs of First Nations and Inuit Health Branch employees providing health services or programs in a First Nation or Inuit community are affected when that community

undertakes Health Services Transfer. Under the employees' collective bargaining agreement, they have specific rights relating to this change in their employment with the government whether they are offered work by the community or not.

The *Work Force Adjustment Directive, 1998,* describes the rights and responsibilities of the affected employees and the federal government. If your community is considering hiring First Nations and Inuit Health Branch employees who have been providing services in the community, contact the First Nations and Inuit Health Branch Regional Office concerning the *Work Force Adjustment Directive, 1998,* Part VII. The salary and benefit packages you plan to offer may have implications for the responsibilities of the federal government to these employees which may affect the competitiveness of your offer.

Legislated Successor Rights

"Legislated Successor Rights" refers to legislation concerning the responsibilities of the new employer with respect to the union membership and collective bargaining agreements of existing employees. Legislated successor rights are covered under the federal Canada Labour Code and in labour codes in some provincial and territorial jurisdictions. Most Bands and communities under Health Services Transfer adhere to the Canada Labour Code. However, if you are considering hiring former First Nations and Inuit Health Branch employees, you should enquire about legislated successor rights.

Additional information about how work force adjustment and legislated successor rights affect you as an employer can be obtained through the First Nations and Inuit Health Branch Regional Office.

See also Chapter 5, the section titled, Management-Staff Relations - Part I of the Canada Labour Code.

Job Descriptions

Why Have Job Descriptions?

Your Community Health Plan (CHP) lists all of the activities that make up your health programs and services. Job descriptions are closely linked to the activities in the CHP—the job descriptions assign responsibility for carrying out these activities to specific people doing particular jobs.

Job descriptions are valuable tools for employers for human resource management. Before you begin looking for employees, writing job descriptions facilitates the hiring process by making you think through the responsibilities of each of the positions you want to fill. It helps you to decide what qualifications people require to carry out their work. Job descriptions let potential employees know what the job will involve. Once employees are hired, job descriptions help them to understand what is expected of them in their positions. Also, job descriptions are used as the basis for periodic reviews of employee performance.

What to Include in a Job Description

A variety of Internet sites exist to help with job descriptions. (See topic 2, Job Descriptions, in Appendix A.) Once you have reviewed a number of samples, you can decide on the format and style which works best for your organization. Job descriptions generally cover the following:

- **Job Title**

  Job titles match the positions listed on the organization chart in the CHP.

- **Work Location**

  Generally, the work location is the place where the employee has his or her office or usually reports for work.

- **Supervision**

  Name the person (or position) to whom the employee reports or is directly responsible.

- **Salary Range**

  Indicate salary by hour, week, month or year. (See Chapter 3, Setting Pay Levels, for guidelines on how to determine salary levels for different jobs.)

- **Summary of Work**

In one or two sentences, summarize the position. Indicate its main purpose (i.e., why it exists) and the scope of the position (i.e., main tasks or areas of responsibility in order of importance).

- **Main Duties**

  Use clear, simple language to describe the main duties of the position. The wording you use reflects the level of responsibility related to the task. For example, related to mail, specific verbs such as "sorts", "distributes", or "responds to" are much more descriptive than terms such as "handles" or "takes care of". (Use the Internet references in Appendix A for sites which provide lists of verbs to use in writing job descriptions.)

- **Other Duties**

  This section of a job description indicates the tasks or responsibilities that have to be carried out, but which may not be normal, day-to-day job requirements. Specifying that a job involves being able to do another person's job is especially important in small communities that can support only a limited number of health care jobs and employees. "Other duties" might include:

  - filling in for someone if necessary
  - helping out in an emergency
  - attending meetings as required
  - keeping up to date through reading and other professional development activities.

- **Formal Qualifications**

  Formal qualifications include technical knowledge, formal education, and training and experience needed to do the job properly. In addition, provincial and territorial laws require that people carrying out certain health-care jobs hold licences or certificates. Check with the provincial department of health and professional associations to determine the licensing requirements. Provincial law also defines what procedures health workers are permitted to carry out. For example, in some provinces, nurses can do certain procedures that only doctors are permitted to do in other provinces. Be sure to find out the requirements in your region.

- **Personal Qualifications**

  Personal qualifications are important qualities that will help employees to carry out their tasks effectively. In the job description, list the essential ones and, if you want, one or two more that are useful, but not essential. Examples of personal qualifications include:

  - the ability to speak certain languages
  - physical strength
  - the ability to relate well to people and communicate with them

- the ability to work well as a member of a team
- availability to work some evenings and weekends
- knowledge of the community and its people
- the ability to work without close supervision.

Job Descriptions for Contract Personnel

Contract personnel are usually professionals such as dentists, doctors and psychologists. Health authorities often hire them for a set period (e.g., three months, one year) to set up programs or provide consulting services. A health authority could also contract someone on a part-time basis (e.g., a dentist or psychologist could be hired under contract to visit a community three times a month). For hiring contract personnel, the job description takes the form of the terms of reference for negotiating a formal contract with someone to provide a service. In general terms, it describes what you want done and the kind of person you are looking for.

Generally, contracts should be drafted with legal advice or the assistance of a human resource specialist.

Setting Pay Levels

Introduction

This chapter suggests guidelines for deciding what an appropriate salary for a given job might be. Deciding what individual jobs are worth requires judgement. The employer must consider the organization's particular circumstances when deciding on appropriate salary levels. Pricing a job properly enables First Nation and Inuit health authorities to do two key things:

- **to compete with outside organizations** in hiring and retaining qualified people by paying salaries in line with what others are paying similarly qualified people for doing similar jobs, and
- **to be internally consistent,** i.e., to make sure that the salaries paid to health care staff employed by the health authority fairly reflect differences in their qualifications, duties, responsibilities and working conditions.

When setting pay levels, First Nation and Inuit health employers should also keep in mind the value of the benefits which they offer employees. If it is necessary to recruit from outside the community, the employer may want to consider additional benefits to entice prospective employees (e.g., isolation allowance, relocation expenses). See Chapter 6 for additional information on benefits. For Internet websites with information on setting pay levels, see topic 3, Setting Pay Levels, in Appendix A.

Competitiveness

Offering competitive salaries puts First Nation and Inuit communities on an equal footing with outside organizations that may also be trying to hire qualified health care staff. It is important to attract and retain competent staff because the quality of health care and the general health of the community depend to a great extent on the quality of the people delivering the services.

Competitive, fair salaries not only help to attract good staff but also encourage existing staff to stay with you. Find out what other organizations are paying for similar jobs.

You can get information about what other organizations pay from:

- other First Nations or Inuit communities
- provincial professional associations
- hospitals
- municipal and provincial government departments
- private sector companies
- non-profit organizations such as the Red Cross, the Victorian Order of Nurses, St. John Ambulance and others, and
- public and private sector unions.

Also look at what Band or community employees are paid for jobs with similar levels of responsibilities in other program areas, i.e., social services, education, and economic development. Make sure you are paying your health care staff appropriately in relation to staff delivering these kinds of services.

Internal Consistency

The key to internal consistency is making sure that jobs with the same level of responsibility within your workplace are priced fairly in relation to each other. If you plan to employ fewer than five people, consistency may not be a problem. However, it becomes more important as the number of health staff and the variety of jobs increase.

Categorize the positions in your organization into the three general categories below and make sure that jobs falling into each category are priced fairly relative to each other.

The three job categories are:

- jobs involving co-ordinating and planning activities and directing the work of others, e.g., program coordinators, Director of Health Services
- jobs involving delivering services directly to the community, e.g., public health nurses, Alcohol and Drug Abuse Counsellors, Community Health Workers
- support positions, e.g., clerical staff, drivers, maintenance staff.

Other Important Considerations for Setting Pay Levels

Ask yourself the following questions when determining pay levels:

- **Should the emphasis be on formal or personal qualifications?**

  Often salaries are tied closely to the number of years of formal education and training needed to do a job. However, for some jobs, on-the-job training and certain personal qualifications may be just as important as formal education. Pay levels for these jobs should take the value of personal qualifications into account, not only formal education.

- **How long would it take to train a replacement?**

  If a job requires weeks or months to learn properly, it is probably more complex and involves more responsibility than a job that someone can learn in a few hours or days. Consequently, it should have a higher salary attached to it. Setting salaries which reflect a job's complexity can save money by reducing staff turnover. If you lose staff because they feel they are underpaid, training a new person involves supervision and costs money, regardless of how simple or complex the job is. In addition, someone may have to help provide the service while the employee is being trained.

- **What about working conditions?**

  Certain jobs involve long periods of mental concentration, constant travelling, isolation or other conditions which could result in mental or physical stress. In general, if two jobs have similar qualifications for education, training, and experience, but one has more stressful working conditions, the salary for the more stressful job should probably be higher than for the other. An alternative approach may be to consider a shorter work week for the more stressful job instead of a higher salary.

- **What about the impact of federal workforce adjustment?**

  As described in the Introduction, if you want to hire First Nations and Inuit Health Branch employees who have been providing services in the community, the rights of these employees may have implications for the salary and benefit packages you offer. (See Work Force Adjustment in the Introduction. For more information, contact your First Nations and Inuit Health Branch Regional Office.)

Salary Ranges

Most jobs have a salary range associated with them which gives the employer the flexibility to do three things in relation to that job:

- You can hire a new, inexperienced person at the low end of the range and increase his or her salary each year until the high end is reached. This allowance for experience is an incentive for employees to stay on staff and gain the experience they need to become more valuable employees.

- You can hire someone with two or three years of experience by offering a starting salary in the middle of the range in recognition of that experience.
- You can pay people a higher salary if they have special job-related training or qualifications.

Budget considerations are important in setting salary expectations. Employers need to decide how the salary range will be applied and make this clear to job applicants. A salary range does not necessarily mean that the employee automatically receives a pay raise every year. The health authority may decide to:

- give a specified percentage increase each year to a maximum, contingent on good job performance,
- offer a range with annual steps to a maximum amount on good performance, or
- negotiate the salary every year.

Employment Standards — Safety and Fair Play in the Workplace

Introduction

The Canada Labour Code (referred to in these guidelines as the Code) and the Canadian Human Rights Act (referred to in these guidelines as the Act) are the two key pieces of Canadian federal legislation designed to make workplaces fair and safe. These laws provide standards for employers in many different aspects of personnel management. Both the Canada Labour Code and the Canadian Human Rights Act are reviewed, revised and amended regularly.

This Chapter, together with Chapters 5 and 6, covers many of the areas that First Nation and Inuit health authorities should consider in developing or reviewing their personnel policies:

- **This Chapter** provides an overview of the topics governed by the Canada Labour Code and the Canadian Human Rights Act. It includes Internet references to websites where you can review the most up-to-date versions of these pieces of legislation or obtain practical information on implementing them.
- **Chapter 5** gives more detail on the personnel policies affected by the legislation, as well as certain personnel policies required under Transfer and other common terms and conditions of employment (e.g., paid and unpaid leave, training, travel expenses).
- **Chapter 6** covers pensions and other benefits including benefits required by law (e.g., employment insurance, Canada Pension Plan (CPP), workers' compensation, provincial health insurance) as well as other typical benefits for employers to consider.

The Canada Labour Code

The Canada Labour Code is divided into three parts:

- **Part I deals with management-staff relations.** It sets out procedures for settling disagreements between management and staff in any organization subject to the Code, whether unionized or not. It also sets the rules for resolving management and trade union disputes which might arise during the collective bargaining process.
- **Part II deals with occupational safety and health.** It highlights your responsibilities as an employer for promoting a safe and healthy workplace. It also explains the rights and

responsibilities of employees in actively working with you to help ensure on-the-job health and safety.

- **Part III sets labour standards** in areas most relevant to personnel policies and the day-to-day work of health care personnel (e.g., paid vacation, sexual harassment, maternity and child-care leave, overtime).

The labour standards in Part III of the Canada Labour Code are the key areas for human resource personnel in your workplace to study and review periodically.

The labour standards as set out in Part III of the Code are minimum standards—a starting point. Any employer can develop personnel policies that exceed these standards.

All three Parts of the Canada Labour Code legislation can be viewed at the website referenced in Appendix A under topic 4, The Canada Labour Code (full Code). Additional information about each of the three Parts can be obtained from separate websites listed under topics 5 to 7 in Appendix A.

The Canadian Human Rights Act

The Canadian Human Rights Act lists discriminatory practices that employers must avoid. It also sets the procedures for employees and employers in dealing with alleged discrimination. As an employer, you must ensure that you provide fair and equal employment opportunities regardless of race, sex, age, religion and other factors.

It is not a discriminatory practice to give preference to someone from your own community who has applied for a job.

You can review the Canadian Human Rights Act and a practical guide to interpreting the Act at websites listed in Appendix A under topic 8, The Canadian Human Rights Act.

Areas of personnel policy derived from the Canada Labour Code and the Canadian Human Rights Act are described in Chapter 5.

Personnel Policies

Introduction

This Chapter covers provisions of the Canada Labour Code (the Code) and the Canadian Human Rights Act (the Act) which must be reflected as part of your personnel policies. It also covers additional policies, some of which are required under Health Services Transfer Agreements and others which are simply part of good management practice.

First Nation and Inuit health employers should develop personnel policies and put them in writing.

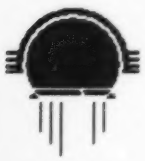
There are two key reasons why you should develop personnel policies and put them in writing:

- You are competing with other employers to attract and retain qualified staff. Consequently, you need personnel policies that compare favourably with those of other organizations. Having those policies in writing shows a potential employee that providing proper employment benefits and working conditions is a priority.
- Formal, documented personnel policies can form the basis of an employment contract between you and your staff. They define, in advance, the key terms and conditions of employment. They indicate clearly what employees can and cannot expect you to provide in terms of benefits and working conditions. Many potential employees are well informed and will ask you for details on a wide range of personnel policies.

Be prepared to give potential employees your personnel policies in writing. Take the time to explain the personnel policies to all of your employees and make sure the personnel policies document is accessible to everyone.

As noted earlier, provisions of the Canada Labour Code represent only minimum standards and working conditions. If an employer does not meet these standards, an employee can

complain to the Labour Component of the Department of the Human Resources Development, which will investigate the complaint. These guidelines for personnel policies are NOT a substitute for the Canada Labour Code or the Canadian Human Rights Act. The provisions of the legislation change periodically and you should verify current legislated requirements at the websites noted in the Internet references.



Use the websites to stay up to date about key provisions of the Canada Labour Code and the Canadian Human Rights Act.

For an overview of personnel policies and examples of policy manuals, see topic 9, Personnel Policies - General, in Appendix A. In addition to the websites referenced in the previous chapter, Human Resources Development Canada (HRDC) has fact sheets on the Internet to answer common questions on the labour standards in the Canada Labour Code. The HRDC websites may not always be updated as quickly as the Canada Labour Code website so the user should verify specifics, such as numbers, on the stable Canada Labour Code website.

Finally, nothing prevents employers from enhancing their personnel policies with better terms than the legislation calls for, e.g., longer vacations or more holidays. However, paid vacations and holidays, like all other benefits, cost money. For that reason, you may not be able to improve on the legislated minimum standards to any great extent at first.

Labour Standards - Part III of the Canada Labour Code

Your personnel policies must meet the current standards specified in the Canada Labour Code (the Code). Examples of some of the areas covered by Part III of the Code are described in items 1 to 9 below. These guidelines summarize the general applications of Part III of the Code to the following:

1. Hours of work
2. Federal minimum wage
3. Equal wages for work of equal value
4. Pay periods
5. Annual vacation leave
6. General holidays

7. Additional leave
8. Sexual harassment
9. Layoffs, dismissals, unjust dismissals and severance pay.

1. Hours of work

Certain professionals (e.g., doctors and dentists) and employees who are part of management are not covered by Code provisions relating to hours of work.

The Code includes provisions for:

- ***Standard hours of work:*** a basic standard for the number of hours worked per day and per week. Many organizations specify shorter work days and weeks.
- ***Overtime:*** increased rates of pay for employees for any hours worked beyond the standard day or week. Some employers pay double an employee's regular hourly rate for working on Sundays or holidays and two and a half times the rate for working Christmas and New Year's Day.
- ***Maximum hours:*** a limit to the total number of hours an employee can be required to work regardless of overtime compensation.

2. Federal minimum wage

A federal minimum wage is specified and adjusted periodically. Many employers exceed this rate even for staff at the lowest salary levels.

If you would like more information on the minimum wage, see topic 10, Federal Minimum Wage, in Appendix A for websites.

3. Equal wages for work of equal value

Employers must pay men and women the same pay for work of equal value. (See the section, The Canadian Human Rights Act and Personnel Policies, in this Chapter for more details.)

4. Pay periods

The Code specifies a maximum number of days between paydays which must be regularly scheduled. Many employers pay staff weekly or every other week.

5. Annual vacation leave

Employees are entitled to a minimum number of weeks of paid vacation after one year with regular increases after a number of years. Many employers grant more than the minimum after one year with more frequent increases than required by the Code. For helpful websites, see topic 11, Annual Vacation Leave, in Appendix A.

6. General holidays

Employees are entitled to a specified number of paid holidays per year including days such as Christmas day, New Year's day, Victoria day, Canada day, Labour day and Thanksgiving. Some employers grant additional days such as Easter Monday and a provincial or municipal holiday. First Nations and Inuit communities may want to add certain traditional holidays. For more information, see topic 12, General Holidays, in Appendix A for websites.

7. Additional leave

The Code includes provisions for the following:

- ***Sick leave:*** no requirement for employers to pay employees if they are away from work because they are sick or have been injured. However, employers are required to protect employees' jobs for a specified period. Certain restrictions and additional requirements apply. Most employers offer more than the legislated requirement with benefit plans that pay employees all or part of their salaries (up to a maximum number of days each year) while they are off work because of injury or illness. Sick leave benefits are an important part of the benefit package you offer your staff.
- ***Bereavement leave:*** a specified number of days of paid leave must be granted by the employer for immediate family of the deceased as defined in the Code. Certain restrictions and additional requirements apply. It is a good idea to have a policy on bereavement leave and also to be flexible enough to take particularly difficult circumstances into account when applying the policy.
- ***Child-care leave:*** a specified number of weeks of unpaid leave must be granted by the employer for child-care responsibilities of birth parents and people who adopt children, including men involved in caring for children. Certain restrictions and additional requirements apply. (Both natural and adoptive parents may qualify for payment of Employment Insurance (EI) benefits while on child-care leave.)

For more information on additional leave, see the websites referenced in Appendix A under topic 13, Additional Leave. For information on employment insurance, see Chapter 6, the section on Employment Insurance.

8. Sexual harassment

The definition of sexual harassment is provided in the Canada Labour Code. Essentially, sexual harassment is any behaviour, comment, gesture or physical contact of a sexual nature that is likely to offend or humiliate an employee or, which might reasonably lead an employee to think that opportunities for employment, promotion or training are limited by conditions of a sexual nature.

The Code describes the obligations of the employer to consult with staff to develop a policy on sexual harassment and outlines what the policy must cover, including a confidential process for bringing a complaint to the employer. The Canadian Human Rights Act provides for employees to file a complaint with the Human Rights Commission if their

employer has not dealt satisfactorily with their complaint. It details the procedures for doing so and the compensation an employee is entitled to if the complaint proves valid.

You must inform your employees about the provisions of the Canadian Human Rights Act which deal with discrimination (including sexual harassment) and their right to complain to the Commission.

For Internet references, see topic 15, Sexual Harassment, in Appendix A.

9. Layoffs, dismissals, unjust dismissals and severance pay

The Canada Labour Code has a series of sections which describe requirements for layoffs, dismissals, unjust dismissals and severance pay. It clearly outlines the rights and responsibilities of employers and employees in these areas. For example, as an employer, you must give written notice to employees when terminating their employment. Employees who feel they have been dismissed unjustly can ask you for written reasons for the dismissal. They can submit a written complaint to the Department of Human Resources Development which will try to help settle the matter.

The employer and employee pay their own expenses if they decide to hire lawyers to represent them in a dispute over a dismissal. Note that certain professionals may have insurance to cover their legal fees as a benefit of their professional certification and membership. For more information, see topic 14, Layoffs, Dismissals, Unjust Dismissals and Severance Pay, in Appendix A for website references.

Occupational Safety and Health - Part II of the Canada Labour Code

A safe, healthy workplace is important in any business but it seems especially so where the health and safety of patients, as well as your employees, are involved. Among the benefits of a reduced accident rate and a healthful workplace are:

- fewer absences from work
- lower costs for insuring buildings and equipment, and
- lower costs for liability insurance.

Part II of the Canada Labour Code deals with occupational safety and health. It lays out your responsibilities as an employer for promoting a safe and healthy workplace. It also explains the rights and responsibilities of employees in actively working with you to help ensure on-the-job health and safety.

Many of the safety and health provisions of the Canada Labour Code were written to protect workers employed in manufacturing, construction, transportation and other industries. However, they are also useful for other workers. These include "non-industrial" employees such as people who work in banks, hospitals and other health settings.

These guidelines simply highlight areas of importance for First Nation and Inuit health employers and are not a substitute for Part II of the Code. You should refer to the Code document, take action as required and ensure that your employees know about their rights and responsibilities. For details of Part II of the Code and help in implementing the regulations, see the websites referenced in Appendix A under topic 6, Occupational Safety and Health - Part II of the Canada Labour Code.

The areas covered by Part II of the Code are outlined below.

1. Rights and responsibilities under Part II of the Code

Under Part II of the Code, your employees have three fundamental rights:

- the right to know
- the right to participate, and
- the right to refuse to do dangerous work.

The occupational safety and health provisions, including your responsibilities as an employer for preventing accidents, injury and health risks at work, flow from these rights.

- ***The right to know:*** Employees have a right to know about anything that could endanger their safety or health in the work area. The occupational safety and health regulations forming Part II of the Code require employers to tell employees about any dangerous conditions. Examples include:
  - harmful fumes or other contaminants in the air
  - noise levels that could damage hearing over time
  - radiation hazards (including UV radiation from the sun)
  - toxic chemicals.

  The Canada Labour Code includes provisions requiring that employers keep employees informed about potential safety and health hazards. It requires that the Occupational Safety and Health section (Part II of the Code) be kept where employees can see it along with a statement of your workplace safety and health policy. This part of the Code also describes the responsibilities of employees to report to you any potential risks or actual incidents.
- ***The right to participate:*** Employees have the right to participate in identifying and correcting problems that affect safety and health in the workplace. To exercise this right, employees can either act as your workplace safety and health representative or become a member of a safety and health committee. Part II of the Code covers employer requirements for establishing a safety and health committee and representatives as well as the duties of these people.
- ***The right to refuse to do dangerous work:*** All employees have the right to refuse "dangerous" work. Employees can refuse to work if they reasonably believe that they or any other employee could be harmed or placed in danger by something in the workplace. Part II of the Code sets out the conditions under which an employee can and cannot refuse work that he or she believes is dangerous. It also describes the procedures to follow for the employee, employer and the Safety Officer. You cannot discipline an employee who refuses dangerous work and who follows the procedures. You must investigate a refusal to work as soon as the employee reports it.

2. Other key responsibilities for occupational safety and health

Employers must make sure that the workplace meets a number of standards in the Canada Occupational Safety and Health Regulations. These standards are associated with:

- hazardous substances
- the condition and safety of buildings in which employees work
- protective clothing and equipment
- the safety and condition of equipment, machinery, vehicles, etc. used by employees.

The requirements of employers in each of these areas are summarized below. Be sure to check Part II of the Code for details.

- ***Hazardous substances:*** As an employer, one of your main responsibilities under Part II of the Canada Labour Code is to minimize the chance of exposing employees to danger from using or coming into contact with hazardous substances. Requirements cover:
  - control of the concentration or strength of hazardous substances
  - safe handling and storage
  - clear labelling for identification
  - additional labelling information including appropriate hazard symbols
  - provision of material safety data sheets (MSDS) to employees
  - informing employees about the risks of the hazardous substances in their workplace.
- ***Employer's premises:*** The Occupational Safety and Health regulations in Part II of the Code include standards which cover buildings and building systems, as well as provisions for fire safety and first-aid and health facilities. Requirements cover standards for:
  - ventilation, temperature, humidity, lighting and noise and vibration levels
  - washroom facilities
  - drinking water
  - first-aid and health facilities
  - operation and maintenance of mechanical systems, e.g., boilers, oil burners, electrical devices and equipment
  - fire safety including emergency exits

- emergency evacuation plans especially for buildings like schools and hospitals.

- ***Protective clothing and equipment:*** Part II of the Code specifies clear obligations for employers and employees related to protective clothing and equipment:
  - providing clothing and equipment and other safety devices to protect workers, e.g., latex gloves
  - ensuring employees and others know how to use the protection, i.e., providing supervision, information and training
  - requiring employees to use the protection and to follow safe work procedures.
- ***Safety and condition of equipment, vehicles, etc.:*** You must make certain that all vehicles and equipment (e.g., x-ray machines) that your employees use at work are in safe condition. Vehicles and equipment must meet prescribed safety standards and be in safe operating condition.

The Canadian Human Rights Act and Personnel Policies

The Canadian Human Rights Act lists a number of discriminatory practices that people must avoid.

> ***For employers, a discriminatory practice is anything an employer does, directly or indirectly, to deny or restrict someone's opportunity for employment or promotion because of his or her race, national or ethnic origin, colour, religion, age, sex (including pregnancy and child-birth), marital or family status, sexual orientation, physical or mental disability or conviction for which a pardon has been granted.***

The Act also states that it is a discriminatory practice to pay male and female employees different wages if they are doing the same job or performing work of equal value.

Your personnel policies should reflect what the Act says about discriminatory practices and equal pay for work of equal value for male and female employees. You must also ensure that all of your employees are informed of and understand these policies.

As noted earlier for sexual harassment, the Act provides for employees to file a complaint if they feel that they have been either subjected to sexual harassment or discriminated against on the basis of race, nationality, age, sex, etc. All employers, including First Nation and Inuit health employers, are required to develop written policies that clearly explain to employees how to bring an incident of sexual harassment or discrimination to your attention and, if necessary, to the Human Rights Commission.

The Act does not prevent you, as a First Nation or Inuit health employer, from giving preference to people from your own community when hiring staff.

Internet references are provided in Appendix A under topic 8, the Canadian Human Rights Act.

Other Personnel Policy Areas to be Addressed Under Health Transfer

In accordance with their Health Services Transfer Agreements, all First Nation and Inuit health employers must have personnel policies covering the following:

1. professional registration and licensing
2. liability and malpractice insurance
3. access to professional supervision
4. training and professional development
5. confidentiality of medical records
6. handling of drugs and medical supplies.

These policies are required to protect clients and to protect the health authority. Details are provided in the sections below. For more information, see *Transferring Control of Health Programs to First Nations and Inuit Communities, Handbook 2, The Health Services Transfer.*

1. Professional Registration and Licensing

First Nation and Inuit health employers must have a policy that requires all professional health care employees or contract staff, i.e., nurses, physicians, and dentists, to be registered with their provincial associations and, as appropriate, to be licensed to practise in the province or territory in which they are working.

2. Liability and Malpractice Insurance

As a First Nation or Inuit health employer working under a Transfer Agreement, you are legally responsible for any harm or damage resulting from your own activities and those of your employees including professional, para-professional and support staff. Specifically, you must have liability insurance that covers staff, both contractors and employees, for actions in the performance of their duties and for accidents on the premises where the health program is provided. Your Community Health Plan (CHP), prepared for Health Services Transfer, includes your plan for ensuring insurance coverage.

Your personnel policies must include a statement about the responsibilities of employers and employees in the area of insurance coverage. Personal liability and malpractice insurance coverage may be available to professional health care staff through their professional associations but it is up to the health authority to ensure that professional staff have that coverage. Insurance coverage for employees such as community health representatives (CHRs), environmental health officers, NNADAP workers, administrators, and other staff (e.g., clerks, receptionists, drivers, cleaning and maintenance staff) is usually provided through the health authority. (For additional information, see Chapter 7 of these guidelines, as well as Chapter 3 of *Transferring Control of Health Programs to First Nations and Inuit Communities, Handbook 2, The Health Services Transfer*.)

3. Access to Professional Supervision

Under a Health Services Transfer Agreement, health authorities must have a personnel policy which clearly states that all professional staff (e.g., nurses, dental therapists) must have access to the services of a professional for supervision, advice and other support. The policy must include who will provide the service, as well as when, where and how often. Your Community Health Plan (CHP) includes your plan for ensuring professional supervision. (For additional information, see Chapter 3 of *Transferring Control of Health Programs to First Nations and Inuit Communities, Handbook 2, The Health Services Transfer*.)

4. Training and Professional Development

First Nation and Inuit health employers must ensure that professional and most non-professional staff have access to ongoing training and refresher courses throughout their careers to stay up to date and to improve their skills and expertise. Most professional staff require regular training in order to provide specialized care and to remain certified in their field. Your Community Health Plan (CHP) should be updated regularly including your detailed training plan. (For additional information on training requirements, see Chapter 4 of *Transferring Control of Health Programs to First Nations and Inuit Communities, Handbook 2, The Health Services Transfer*.)

Personnel policies should provide a general statement of the health employer's intention to provide for appropriate training and professional development for staff. In addition, the policy should specify which costs you will cover (e.g., meals, hotel or other accommodation, travel, course materials). Most employers pay employees their regular salary while they are participating in courses, workshops, conferences, etc. Funding and other support for many training activities may be available from outside agencies.

5. Confidentiality of Medical Records

Under a Health Services Transfer Agreement, health employers must have a policy stating which employees have access to medical records, and indicating that they must keep all information in patients' files and records strictly confidential and in locked cabinets. The policy should also specify the consequences for an employee who discloses confidential information (e.g., the employee could be dismissed). Your Community Health Plan (CHP) includes your plan for ensuring confidentiality of information of a personal medical nature. (For additional information on requirements for confidentiality procedures, see Chapter 3 of *Transferring Control of Health Programs to First Nations and Inuit Communities, Handbook 2, The Health Services Transfer*.)

6. Handling of Drugs

If employees are involved in the handling of drugs (i.e., ordering, purchasing, prescribing, dispensing, inventory control, storage or disposal), the Health Services Transfer Agreement

requires that health employers develop policies and procedures for handling drugs in accordance with the appropriate regulations in the *Controlled Drugs and Substances Act*.

Other Terms and Conditions of Employment

Many employers, such as hospitals and other organizations in the health care field, have developed personnel policies that extend far beyond any legislated requirements. If you want to attract and keep qualified staff, you will have to develop personnel policies and pension and benefit packages that compare favourably with those offered by other employers. Details about pensions and benefits are provided in Chapter 6.

Other terms and conditions of employment should be considered as part of good human resource management, even though they are not required by the Canada Labour Code or other legislation. For example, many employers have policies on internal and external recruitment, a probationary period, performance reviews, travel expenses, and smoking.

1. Internal and External Recruitment Policy

First Nation and Inuit health employers should have a recruitment policy that defines under what conditions you will search for and recruit staff from outside the health care organization to fill vacant positions. Many employers have a policy of trying to recruit from existing staff before searching for someone outside to fill a job. An internal recruiting policy gives existing staff opportunities for promotion and broader experience.

As a second step, consider a policy of recruiting from the community if you cannot find or train an existing staff member to fill a job. Health employers should consider adopting a policy of training existing staff or a member of the community to fill a job where possible.

2. Probationary Period

Personnel policies should include provision for a probationary period for new employees and for employees who have been promoted to a new position. The probationary period may be anywhere from three months to one year. The probationary period allows time to decide whether a good match exists between an employee and a job. (For important implications of the one-year limit, see information on dismissals on the website referenced under topic 14 in Appendix A.)

When you hire a new employee, you may want to consider appointing the person on a temporary basis for the length of the probationary period. Send a letter to the person confirming that you are offering him or her a job. In this letter of offer, indicate clearly that he or she will be considered as a temporary employee until the probationary period is over. Indicate that the employee will become "permanent" once the probationary period has been completed and his or her job performance has been rated satisfactory.

Generally, temporary employees do not accumulate pension credits, vacation and other leave credits. However, many employers grant these credits retroactively once an employee completes the probationary period.

The policy on probation should be flexible enough to address special circumstances. For example, you may want to extend the probation if you think a new employee may need extra time to show that he or she can do the job. You may want to waive the probationary period for employees who meet the requirements of the job before the probationary period ends or waive it completely for certain kinds of appointments within your organization.

3. Reviewing and Evaluating Employee Performance

You may want to develop clear policies to cover the important area of employee performance review. Such policies should include:

- who evaluates the employee's performance, e.g., the employee's supervisor
- a schedule for reviews, e.g., many employers evaluate employees just before the end of their probationary period, six months later, and once a year from then on
- the process to be used which should include provisions for:
    - ensuring the employee knows what he or she is expected to achieve
    - a clear statement that the purpose of evaluating performance is to provide feedback to the employee on what he or she does well and where performance needs to be improved
    - a written evaluation report and discussion of it with the employee
    - a means to settle disagreements.

4. Travel Expenses

As a health employer, you should develop policies which state clearly what expenses you will cover if employees must travel either as part of their job or related to training or professional development.

Consider the following when documenting your policies on travel expenses:

- Many employers include the following items in their list of allowable expenses:
    - transportation
    - meals, usually a daily meal allowance
    - hotel or other accommodation
    - a small daily allowance for various items that may be necessary if an employee is away from home for a number of days or weeks, e.g., long-distance calls home.

- Indicate how much you will reimburse employees if they must use their own vehicle either on a day-to-day basis or for occasional trips to other communities; e.g., a fixed amount per kilometre.
- Have a written policy on insurance for employees who use their own vehicle for work-related travel.

5. Smoking

As a health employer, your smoking policy should consider the health of both your clients and employees. Work together with your employees to develop a workplace smoking policy. Take into consideration any local smoking by-laws, smoking areas, ventilation of buildings, employee smoke breaks, designating client service areas as smoke-free, and offering programs to help smokers to quit.

Management-Staff Relations - Part I of the Canada Labour Code

First Nation and Inuit health employers should be aware of the provisions of Part I of the Canada Labour Code concerning management-staff relations. This part of the code sets out procedures for settling disagreements between management and staff in any organization subject to the Code, whether it is unionized or not. It also deals with resolving disputes between management and trade unions arising during the collective bargaining process.

One of your primary objectives as an employer should be to meet the labour standards in Part III of the Code (or go beyond them where possible) to create a firm foundation for a good relationship with your employees.

In case disagreements do arise, you should have written policies for handling problems internally so that you will not have to ask for a third party to intervene.

The policies should encourage employees to bring work-related problems to your attention and should provide a process for airing and settling disputes and grievances. For example, your policy could have employees take any problems to their supervisor. If the employee and supervisor cannot solve the problem, the employee should be able to take the matter to other levels, for example, first the Director of Health Services, then the Health Board. The exact levels of recourse for the employee would be based on the organizational structure of the health authority or First Nation organization.

All those who could be involved in settling employer-employee problems should understand their responsibilities in resolving these matters. Make sure that supervisors understand their important front-line role in being open to listening to these problems and doing what they can to resolve them.

Part I of the Code also includes information on the basic freedoms of employees to organize or join a union or bargaining unit. Employers cannot participate in or interfere with the formation or administration of a trade union. By maintaining good management-staff relations and resolving disagreements satisfactorily for all parties, your employees will probably not want the involvement of a union and its related costs.

Pensions and Other Benefits

Introduction

Key elements of an employee benefit package, beyond the requirements of labour standards, include:

- a pension plan to provide an income after retirement
- an income protection plan to provide income to an employee who cannot work because of prolonged illness, an injury or disability, and
- provisions for various types of additional paid and unpaid leave.

First Nations and Inuit communities undertaking Health Services Transfer should understand important considerations about pensions and other benefits before they begin setting pay levels and hiring employees. Health authorities with an established workplace and benefits package should keep up to date on changes in legislated benefits and also on the ever-changing field of pensions to enhance the management of their pension plans.

This Chapter provides general information on pensions and other benefits as follows:

- statutory benefits, i.e., those required by legislation, and
- pension plans.

For an overview of considerations about pensions and other benefits, see the websites referenced under topic 16, Pensions and Benefits, in Appendix A.

The Department of Indian Affairs and Northern Development (DIAND) contributes to the costs of First Nation employers for registered pension plans through the Band Employee Benefit Program (see the DIAND document: Indian and Northern Affairs Canada, Program Directives 20-1 Volume 1, Indian and Inuit Affairs, Chapter 7, Band Management, PD 7.4). Funding may be provided for the employer's share of the cost of providing benefits for eligible employees.

Other benefits to which DIAND may contribute include the employer's share of Canada or Quebec Pension Plans as well as contributions for optional benefits such as disability plans, supplementary medical and dental insurance, and life insurance. Check with your

Band or Tribal Council office for additional information regarding the Band Employee Benefit Program.

The purpose of the Band Employee Benefit Program is to assist employers to provide benefit packages. However, the rate provided for pension benefits is not a competitive rate for pensions in the field of health care professionals.

First Nation and Inuit health employers should carefully research the pensions provided by other health employers and consider offering comparable plans if they wish to compete effectively for staff.

See the section Employer-Sponsored Pension Plans in this Chapter for guidelines about a pension plan fund for your workplace.

Statutory Benefits

Statutory benefits are benefits which employers are required to contribute to for their employees. Statutory benefits which you must cover include:

1. Employment Insurance
2. Workers' Compensation
3. Provincial health insurance (in some provinces).

The Canada Pension Plan (CPP) and the Quebec Pension Plan (QPP) are also classified as statutory benefits which you must provide for certain employees. See the section, Pension Plans, in this Chapter for information about CPP and QPP.

Statutory benefits require contributions from the employer and some also require contributions from the employee. The contributions are made as payroll deductions along with income tax. Current information about how to calculate and submit the deductions is available from the Canada Customs and Revenue Agency (formerly Revenue Canada).

If you would like more information on payroll deductions, see the website referenced under topic 17, Payroll Deductions, in Appendix A.

1. Employment Insurance

As an employer, you have to deduct the employee's share and contribute the employer's share of the Employment Insurance premiums for **all** employees working for the health authority. (This is done as part of payroll.)

2. Workers' Compensation

In addition to providing a safe and healthy workplace, you must make provisions for your employees in case they cannot work because of a job-related injury or illness. Workers' compensation programs exist to protect Canadian workers and their dependants against wage loss and to assist them with medical or related expenses. These programs are governed by legislation in each province and territory and administered by a board which in most cases is known as the Workers' Compensation Board (WCB).

If your employees are not insured for workers' compensation benefits and they become disabled on the job, the health authority could incur costly lawsuits.

As an employer, you are responsible for contacting the WCB and paying for worker's compensation coverage for your employees. Contact your provincial WCB to obtain up-to-date information about workers' compensation. It is important to understand and act on this information. The websites referenced in Appendix A under topic 18, Workers' Compensation, provide contact information for each provincial and territorial WCB.

Although details vary according to the province or territory, the following are general guidelines:

- ***Determine the options available for coverage.***

  In some provinces, it is not mandatory to use the provincial workers' compensation board for coverage, in which case you can research options for private coverage. This is known as Disability Insurance, and is obtainable through many private insurers in Canada. However, in other provinces, coverage must be provided through the provincial WCB.

- ***Determine the rates and specifics of coverage.***

  In some provinces, the rate you pay may depend only upon the predetermined risk factor for the health industry. In others, you will have to provide information on your workplace to help determine your coverage rate. Also, familiarize yourself with specifics such as the process of making claims, waiting periods for benefits, and how benefits are paid.

- ***Ensure that all employees are aware of the specifics of their coverage.***

- ***Pay costs of coverage for each employee.***

- ***Consider rehabilitation services for injured workers.***

In some jurisdictions, you may be required by law to work with the WCB to develop a suitable plan for rehabilitating workers.

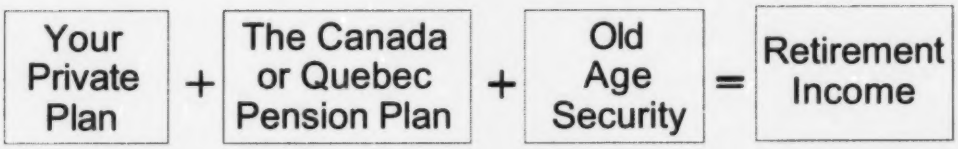
- ***Consider where you could employ injured workers.***

  In some provinces, you may be required by law to have jobs available for placement of injured workers.

3. Provincial Health Insurance

First Nation and Inuit employers must pay health insurance premiums for non-status employees in any province or territory in which premiums are payable. In British Columbia and Alberta, the premiums for status Indians are covered by Health Canada through arrangements with the two provinces. If you require additional information, try the website referenced in Appendix A under topic 19, Provincial Health Insurance.

Government-Sponsored Pension Plans



Pension plans provide a retirement income for workers. As an employer, shopping for a pension plan is like shopping for any other product. Some plans may meet your needs, while others may not. You should make sure that the pension plan you choose meets certain conditions and that it will help to make you competitive with other employers in attracting employees.

The diagram below shows what can make up a retirement income for your employees.

The Canada or Quebec Pension Plans and Old Age Security provide a small retirement income. These government-sponsored programs are meant to be supplemented by other pension plans. The private pension plan (i.e., employer-sponsored pension plan) which you offer can be a factor in attracting potential employees and also ensures that existing employees will have an adequate income when they retire.

1. The Canada Pension Plan (CPP)

CPP is a public pension plan. Its purpose is to add to private or employer-sponsored pension plans. First Nation employers have always had to participate in CPP (and QPP) for their non-status and non-Indian employees. Since December 1988, First Nation employers have been eligible to participate in CPP for their status employees working on reserve—if they choose to do so. Status employees can contribute to CPP on their own (as if they were self-employed) if they work for an employer who chooses not to participate in the Plan. Inuit employers and Inuit employees have always had an entitlement to mandatory CPP coverage.

If you, as an employer, decide to participate in CPP, you cannot opt out. Once you are in, you are in to stay.

Generally, the retirement income a person can receive from the CPP is equal to 25% of the average of his or her pensionable earnings during the working years he or she contributed to CPP. A person can be entitled to a CPP retirement pension only if he or she has contributed to it. The CPP also provides survivor and disability benefits, as well as benefits for the dependent children of a contributor who dies or becomes disabled.

Basic facts about CPP are provided in the website referenced in Appendix A under topic 20, Canada Pension Plan.

2. The Quebec Pension Plan (QPP)

The QPP operates in the province of Quebec and is very similar to CPP. First Nation and Inuit employers must contribute to QPP for their non-status employees. However, at the present time, employers cannot participate in QPP for their status Indian employees working on reserves in Quebec. For more information, contact the First Nations and Inuit Health Branch Regional Office for Quebec.

Information on QPP is available on the website referenced in Appendix A under topic 21, Quebec Pension Plan.

3. Old Age Security (OAS)

OAS is a government-sponsored income security program available to virtually all residents of Canada when they reach the age of 65. Neither the employer nor the employee contributes to it and it is not linked to the CPP, the QPP or any private pension plan. OAS also provides two income-tested programs—the Guaranteed Income Supplement and the Spouse's Allowance.

Employer-Sponsored Pension Plans

An employer-sponsored pension plan is usually one in which the employee and the employer both contribute. Probably more than any other item in a benefit package, the employer-sponsored pension plan can encourage or discourage someone from joining your health care staff. The policy decisions that the health authority makes on pensions are critical. They will affect the quality of the benefit package you are able to offer prospective and existing employees.

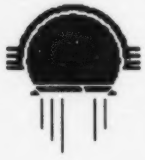
Many prospective employees may be working for organizations that have comprehensive pension plans. They will often want to know if they can transfer the accumulated pension contributions in their existing plan to your employer-sponsored plan if they join your staff. Your written personnel policies should provide answers to three common questions that prospective employees may ask you about pension plans:

- Do you have an employer-sponsored pension plan?
- If so, is it registered with the federal government?
- Do you have a Reciprocal Transfer Agreement with the federal government?

As you design your employer-sponsored pension plans, keep in mind these two important considerations:

- **Ensure that the plan is eligible for a "Reciprocal Transfer Agreement" with Treasury Board.** If you decide to hire people who work for the federal government, they may wish to transfer the funds in their public service pension fund to your pension plan. If you have a reciprocal transfer agreement with Treasury Board for your employer-sponsored pension plan, the agreement allows the employee to transfer the maximum possible amount of their pension fund to your private registered plan when they begin working for you.

- **The plan should be a federally registered pension plan.** Funding is available for benefit programs for First Nation employers who deliver federal programs. The federal government (DIAND) will cover the employer's contribution to a pension plan (up to a maximum percentage of salary). However, to be eligible for these funds, your plan must be federally registered and meet the conditions of the Pension Benefits Standards Act. It must also meet the conditions for pension benefits set out in DIAND's Band Employee Benefit Program.



For the Pension Benefits Standards Act, see the Justice Canada website referenced in Appendix A under topic 16, Pensions and Benefits. Under the same topic, the website of the Canada Customs and Revenue Agency (formerly Revenue Canada) provides information about registering your pension plan. For information about DIAND's Band Employee Benefit Program, see the Introduction in this Chapter.

Choosing an employer-sponsored pension plan that meets the needs of your organization and your employees is a complex task. To ensure that you carry out all the necessary steps, seek expert advice.

This is especially true for First Nation and Inuit health employers who want to retain some or all of the people who have worked in their communities as First Nations and Inuit Health Branch employees up until Transfer. Health authorities should seek the expert advice of a pension consultant, a trust company, or insurance company about pension plans. Although this advice is usually provided free of charge, be aware that some advisors may have a vested interest in selling you a specific product.

The world of pension plans is rapidly changing. These guidelines can only draw to your attention some basic considerations.

Be sure to check with the First Nations and Inuit Health Branch Regional Office or other communities under Health Services Transfer for suggestions about pension plans. They may be able to recommend an advisor or even a group plan for you to consider.

Many websites on employer-sponsored pension plans cover information best suited to large organizations rather than small businesses or not-for-profit organizations. The sites are often designed as marketing tools to sell you a product rather than tell you what to look for. As noted earlier, the "careerlinx" website in Appendix A under topic 16, Pensions and Benefits, provides a good overview of considerations about pensions as well as other benefits.

Figure 1 answers many of the most common questions employers have about pension planning and the plans themselves.

Figure 1: Basic Information on How Pension Plans Work

Q How do I establish a pension plan for my employees?

A You can either buy a pension plan or develop one yourself. Life insurance companies and trust companies offer a variety of pension plans. If you decide to develop you own plan, you can hire a pension consultant to advise you in this complicated area.

Q How much will it cost?

A Different plans cost different amounts, depending on the benefits you are looking for. The plan will depend on the types of benefits provided, the number of people contributing, their age and administration costs. Also, the company that sells you a plan charges fees as does a pension consultant if you hire one.

However, whether you buy a plan or develop your own with the help of a consultant, find out how much it will cost at the very beginning. Ask for a proposal in writing, showing the services offered and the cost of each.

Q What are the basic types of pension plans?

A The two types are money-purchase pension plans and defined-benefit pension plans.

A money-purchase plan is one in which contributions made by the employer (and employees if they contribute) are placed to the credit of each member. The benefits paid out at retirement are based on the total of the accumulated contributions and interest earnings.

A defined-benefit pension plan is one in which retirement benefits are defined in some manner rather than being based on the accumulated contributions at retirement.

Q Will every employee have to contribute to my employer-sponsored plan?

A The answer depends on the rules set out in the plan itself. As an employer, you will help to set the rules. Therefore, employee participation may be either required or optional.

Q Once an employee starts to pay into a plan, can he or she withdraw from it?

A Again, the answer depends on the rules of the plan set by the employer. In a registered pension plan, employees can withdraw money from their pension plan only if they quit or are dismissed within two years after they begin contributing to the plan. However, some plans may allow an employee to stop contributing while still employed and yet continue as a member of the plan. For example, an employee on extended leave without pay because of illness or some other reason might not make pension contributions during that period but could still be a member of the pension plan.

Q Can I cancel a pension plan?

A Yes, but only under certain terms and conditions. Every pension plan must spell out the terms and conditions clearly.

Q Can employees transfer or move the value of their pension credits to another employer when they change jobs?

A Yes, but only if the plan permits it and only to other registered pension plans (including RRSPs). The ability to move this money to another plan is called "portability of pension benefit credits". There may be some costs involved in transferring funds from one plan to another.

Q Do employees have any other choices about what to do with their pension credits when they change jobs?

A Yes. An employee does have other options. These depend on things such as age, years of service, and the "lock-in" rules governing the plan being contributed to. These options include:

- transferring the pension credits to a locked-in Registered Retirement Savings Plan (RRSP)
- withdrawing his or her share of contribution (subject to income taxes) but not the employer's contributions unless allowed under the terms of the plan
- receiving their retirement income usually paid in equal monthly amounts.

Q What does "locked-in" mean?

A After an employee has contributed to a registered pension plan for two years, he or she cannot withdraw these contributions in cash. In other words, the money has been locked in. Once the money has been locked in, the employee and employer contributions can be used only to provide a retirement income. Some plans may allow exceptions to this rule. For example, a plan might allow the money to be used to provide some kind of income for an employee in the event that he or she becomes disabled for a long time or permanently.

Q Who manages the money contributed to a pension plan?

A Every pension plan must have a pension administrator who is responsible for collecting the pension plan contributions from the employee and the employer. The administrator makes sure the money is deposited into the pension fund and keeps detailed records on the contributions. Most pension plans also use an investment manager who can invest these contributions only into certain permitted investments governed by the Pension Benefits Standards Regulations.

It is also extremely important that the employer keep detailed records on employee and employer contributions. The employer must also maintain employee data such as address, date of birth, sex, date of employment and the beneficiary's date of birth and address.

Q Do First Nation and Inuit pensioners have to pay tax on pension income?

A The present position of Revenue Canada is that any pension income resulting from earnings that were exempt from tax will also be exempt.

Insurance

7

Introduction

Your Community Health Plan (CHP) must include details of coverage for malpractice, liability and property insurance for your health program and where the insurance will be obtained. You need insurance because when you become responsible for community health programs, you also become liable for any personal harm or property damage resulting from your own activities or those of your employees while on the job. You could also be held responsible if someone has an accident on property which you own or occupy.

As an employer delivering health programs, you are legally responsible for doing whatever you can to reduce the possibility of harming or injuring patients and others. In general terms, you are responsible for:

- making sure that all staff are qualified to do their jobs
- making sure all staff who must be licensed are licensed
- providing proper equipment in good working condition
- keeping premises (hospital buildings, nursing stations, etc.) clean and safe for the staff, patients and others who use them and
- ensuring staff are working within their job descriptions.

If you do not meet these basic responsibilities and someone dies, suffers medical complications or is injured on your premises as a result, you could be sued and found liable for damages. A person who is liable for damages is responsible for compensating the person injured or harmed, usually with money. The costs can be in the hundreds of thousands of dollars or even more.

The health authority (including its directors) and the employees of a hospital, health centre, nursing station or other facility could be liable for damages if an employee accidentally causes harm to a patient or someone else. So, the employer and every employee should be covered by some kind of liability insurance.

Insurance protects you as an employer from heavy financial losses if the health authority has to pay damages or if property is damaged and has to be repaired or replaced. This Chapter covers basic information about:

- types of insurance coverage required
- paying for insurance coverage
- where to find insurance
- risk management.

Types of Insurance Coverage Required

As a health employer, you must have a variety of insurance coverage including:

1. malpractice and liability insurance for professional health staff
2. liability insurance for para-professionals and other staff
3. property insurance for premises which you own, the contents of any premises which you occupy, and vehicles.

Generally, First Nation and Inuit health employers should ensure that they obtain only the amount of insurance they require for the level and type of services transferred and for the number of staff involved. By obtaining several quotes, you can ensure that you get the best price for the insurance you need.

1. Malpractice and Liability Insurance for Health Professionals

Certain professional health care staff already have access to personal liability and malpractice coverage through their professional associations or existing plans. Maintenance of this coverage should be a condition of employment or a requirement of a service contract. Doctors, nurses and dentists may work for a health authority on a contract basis, as opposed to being a permanent employee.

The health authority must ensure that any professional employees or contract staff are registered or licenced with provincial professional regulating authorities and that they have malpractice and personal liability insurance.

Professionals usually pay their own malpractice insurance premiums but you may wish to negotiate paying all or part of the premium for a contract staff member as an incentive for them to work for you.

2. Liability Insurance for Para-Professionals and Other Staff

The health authority must also carry liability insurance for para-professionals and other staff including CHRs, NNADAP workers, environmental health officers, administrators, clerical staff, drivers, and cleaning and maintenance staff, both contractors and employees. However, unlike professional staff, they cannot get personal coverage from their professional associations so you, as their employer, must provide it.

Some of your employees will be required to operate motor vehicles as part of their job. You are required to insure your vehicles and the operators against liability in accordance with provincial regulations. In addition, make sure that any employee driving your vehicles is currently licensed and carrying the necessary personal insurance.

3. Property Insurance

Make sure you include property insurance in your insurance package for:

- any buildings you own,
- the contents of all work premises, and
- vehicles and other items outside.

Buildings still owned by the government are insured under the government's self-insurance arrangement against fire, flood and damage from other causes. However, if you occupy these buildings, you are responsible for insuring the contents against vandalism, fire, theft and other damage. You are also responsible for insuring vehicles and other items kept outside.

Paying for Insurance Coverage

The cost for liability insurance depends on the amount of coverage, the number of people you employ and the kind of health programs you operate. For example, treatment programs are considered riskier than public health programs and therefore cost more to insure. The cost of property insurance varies depending on what you are insuring and its value.

Make sure that you obtain the coverage appropriate for your situation, no more and no less. When you have decided on the appropriate coverage, it makes good management sense to get quotes from two or three different insurance providers.

The appropriate amount of coverage for liability and property insurance may vary; however, $2,000,000 total coverage should be adequate for most health programs. A health authority has the option to obtain more insurance if they choose, and to fund this priority through their global budget.

Where to Find an Insurance Provider

First Nation and Inuit health employers can get insurance through certain provincial health care associations, or directly from private insurance companies. Be sure to check with the First Nations and Inuit Health Branch Regional Office or other communities under Health Services Transfer for recommended insurance providers.

- **Provincial health care associations** - Check within your own region to find out if your provincial health care association provides malpractice, general liability and property insurance to its members. Joining one of these associations is one way to get the protection you need.
- **Private insurance companies** - Not all insurance companies will insure clients involved in health care. If you can't find an insurance company in your area that will cover your health programs, ask other First Nations or Inuit communities who have taken over their health programs under Transfer or try the Internet.

Remember to compare what each insurance provider is offering you as well as the cost. Sometimes insurance companies offering low costs can disappoint you when it comes time to make a claim.

Risk Management

Reducing risks can reduce the cost of liability insurance.

Ensure that:

- health professionals are properly qualified and licensed
- all employees, from physicians and nurses to maintenance staff, are properly supervised
- everyone is properly trained for his or her job
- all employees are working according to their job descriptions
- buildings are checked regularly to make sure that they are safe and that equipment is working properly.

Insurance companies often employ professional risk-management staff. They can help you to set up a risk-management program to cover your community's health services to reduce the possibility of claims. At the same time they can help you to reduce the cost of your liability and property insurance.

For more information about insurance in general, see the website referenced in Appendix A under topic 22, Insurance.

A
Internet
Links

Appendix A

Internet Links

The following references to websites are provided as a source of additional information on topics covered in these guidelines. The websites were carefully selected on the basis of their content, ease of use, and apparent capacity to stay current. Brief notes are included for most of the websites explaining their usefulness and any disadvantages. Addresses for French language versions of the websites are noted where available.

Where French language versions of sites do not exist, the translator tool, babelfish, can be helpful in some cases. It provides a translation adequate for the reader to decipher the key points in the document. Enter the URL of interest in the translator tool at:

http://babelfish.altavista.com/cgi-bin/translate?

The Internet is a rapidly changing medium and we cannot guarantee that the addresses will stay the same or that their content will remain as useful as it was when the websites were originally compiled. The First Nations and Inuit Health Branch will update the links on a regular basis.

1. General Human Resource Information

Website 1: http://www.hrdc-drhc.gc.ca/common/employr.shtml

French version at: http://www.hrdc-drhc.gc.ca/common/employrx.shtml

This is a Human Resources Development Canada website–a starting page for a wealth of information on human resources in Canada. Frequently updated.

Website 2: http://www.hroe.org/index.cfm

French version at: http://www.hroe.org/index.cfm?lang=F&p=AA&c=&sc=&include
or access easily from the English site.

The Human Resource Office for Employers is a free service of Human Resources Development Canada. The website covers a wide range of practical human resource information under topic headings such as pay and benefits, recruitment, occupational health and safety, employment standards, training and development, etc. Information is organized by provinces and territories as well as federally.

Website 3: http://www.careerlinx.regina.sk.ca/empplaza/index.html

This site is based in Regina, Saskatchewan but many of its pages provide a wealth of useful information for any employer. Most relevant to these guidelines is the Employers' Plaza.

Click on Employers' Plaza on the map to find numerous helpful pages. Several pages are listed as references for specific topics below.

2. Job Descriptions

Website 4: http://www.careerlinx.regina.sk.ca/empplaza/hiring/wkdes.htm

This page of the careerlinx website covers job descriptions and other related topics such as compensation. It links to other useful pages on many human resource topics. (See also website 3.)

Website 5: http://www.eoa-hrdc.com/3519/menu/occnoc.stm

French version at: http://www.eoa-hrdc.com/3519/menu/occnocx.stm

This site provides the National Occupation Classification (NOC) from Human Resources Development Canada. The occupational profile provided for each listed occupation is useful for writing job descriptions. Scroll down on this page to sections relevant to occupations in health services including:

a) Major Group 22 - Technical Occupations Related to Natural and Applied Sciences

b) Major Group 31 - Professional Occupations in Health

c) Major Group 32 - Technical and Skilled Occupations in Health

d) Major Group 34 - Assisting Occupations in Support of Health Services

e) (Other groups cover support staff who may be employed by a health centre)

Unfortunately, the site is updated only with the census every five years.

Website 6: http://www.jobcue.com/resumetips/actionverbs.html

This site gives brief tips on writing job descriptions, followed by a list of verbs useful for describing work responsibilities.

Website 7: http://uhavax.hartford.edu/~OGILVIE/verbs.htm

This site provides verbs with definitions which are useful for describing work responsibilities in job descriptions.

3. Setting Pay Levels

*See Websites 3 and 5 which provide some guidance concerning pay levels. However, you will need additional **local** information to assist you in setting pay levels for your workplace.*

4. The Canada Labour Code (full Code)

Website 8: http://canada.justice.gc.ca/STABLE/EN/Laws/Chap/L/L-2.html

French version at: http://canada.justice.gc.ca/STABLE/FR/Lois/Chap/L/L-2.html

This site is a stable link provided by Justice Canada. It provides a "secure URL" site giving permanent links to certain pieces of legislation, among which is the Canada Labour Code, English and French versions. This site partly remedies the problem of URL's which may go stale after publications such as these guidelines are published. However, the site has no hyperlinks, and lacks formatting or graphics making it less easy to read. It is best used as a backup site if the websites noted for specific parts of the Code (in Chapter 5) stop being updated.

5. Management-Staff Relations - Part I of the Canada Labour Code

Website 9: http://info.load-otea.hrdc-drhc.gc.ca/~legweb/clc1/legislation/l1tocen.htm

French version at:
http://info.load-otea.hrdc-drhc.gc.ca/~legweb/clc1/legislation/l1tocfr.htm

This official site is updated as required. It has a hyperlinked table of contents.

6. Occupational Safety and Health - Part II of the Canada Labour Code

Website 10: http://info.load-otea.hrdc-drhc.gc.ca/~oshweb/overen.shtml

French version at: http://info.load-otea.hrdc-drhc.gc.ca/~oshweb/overfr.shtml

This website is managed by Human Resources and Development Canada. It provides a number of relevant links to pages including an overview of Part II, the Occupational Safety and Health part of the Canada Labour Code; a guide to implementing Occupational Safety and Health in the workplace; and Parts I - III of the Code itself. Some components of the website are addressed to employers, others to employees.

Website 11: http://www.ccohs.ca/

French version at: http://www.cchst.ca/

This website is offered by the Canadian Centre for Occupational Health and Safety. It provides an in-depth treatment of the subject and covers timely issues. New features are added daily. The only disadvantage is a risk of information overload.

7. Labour Standards - Part III of the Canada Labour Code

Website 12: http://info.load-otea.hrdc-drhc.gc.ca/~legweb/clc3/legislation/l3tocen.htm

French version at:
http://info.load-otea.hrdc-drhc.gc.ca/~legweb/clc3/legislation/l3tocfr.htm

French version also hyperlinked under each section of the English version.

The complete text of Part III on Labour Standards is provided. Each subsection of Part III of the Code is hyperlinked from this page. (Specific elements of the labour standards relevant

to personnel policies are covered in more detail in related pages listed separately in these references.)

8. The Canadian Human Rights Act

Website 13: http://www.chrc-ccdp.ca/LEGISLATION/chra-lcdp.asp

French version at http://www.chrc-ccdp.ca/LEGISLATION/chra-lcdp.asp?l=f

This website provides the Canadian Human Rights Act (CHRA) itself organized by topic rather than the strict ordering of CHRA Sections. The site is frequently updated and uses hyperlinks for easy navigation.

Website 14: http://canada.justice.gc.ca/STABLE/EN/Laws/Chap/H/H-6.html

French version at: http://canada.justice.gc.ca/STABLE/FR/Lois/Chap/H/H-6.html

This site is a stable link provided by Justice Canada. It provides a "secure URL" site giving permanent links to certain pieces of legislation, including the Canadian Human Rights Act. English and French versions. This site partly remedies the problem of URL's which may go stale after publications such as these guidelines are published. However, the site has no hyperlinks, and lacks formatting or graphics making it less easy to read. It is best used as a backup site if other websites for the Act stop being updated.

Website 15: http://www.chrc-ccdp.ca/publications/chra_guide_lcdp.asp

French version at: http://www.chrc-ccdp.ca/publications/chra_guide_lcdp.asp?l=f

The Canadian Human Rights Commission, which administers the Act, provides an online guide to using and interpreting the Act. The site explains, in layperson's language, the goal of the Act, giving examples of discrimination. Explanations of exceptions provided under the Act will be particularly useful for employers. One disadvantage is that the site is directed to employees rather than employers.

Website 16: http://www.chrc-ccdp.ca/publications/screen-preselection.asp

French version at: http://www.chrc-ccdp.ca/publications/screen-preselection.asp?l=f

Refer to this site to learn more about human rights issues in the hiring process.

9. Personnel Policies - General

Website 17: http://www.careerlinx.regina.sk.ca/empplaza/know/polnman.htm

This site provides a good introduction to the topic of personnel policies. It describes the importance of written personnel policies and provides examples of policy manuals. Also included is an extensive, prioritized list of areas for employers to consider when writing policy.

Websites (18 to 22):

Fact sheets from Human Resources Development Canada on the implications of Labour Standards, Part III of the Canada Labour Code. They are useful if you have specific questions regarding personnel policies in the areas noted. Compared to the Canada Labour Code itself, these sites feature easier language and format for answering questions. However, these sites may not always be up to date. You should verify specific figures at the stable website referenced under topic 4, the Canada Labour Code (full Code).

10. Federal Minimum Wage

Website 18: http://info.load-otea.hrdc-drhc.gc.ca/~lsweb/minimen.htm

French version at: http://info.load-otea.hrdc-drhc.gc.ca/~lsweb/minimfr.htm

11. Annual Vacation Leave

Website 19: http://info.load-otea.hrdc-drhc.gc.ca/~lsweb/annualen.htm

French version at: http://info.load-otea.hrdc-drhc.gc.ca/~lsweb/annualfr.htm

12. General Holidays

Website 20: http://info.load-otea.hrdc-drhc.gc.ca/~lsweb/genholen.htm

French version at: http://info.load-otea.hrdc-drhc.gc.ca/~lsweb/genholfr.htm

13. Additional Leave

Website 21: http://info.load-otea.hrdc-drhc.gc.ca/~lsweb/maternen.htm

French version at: http://info.load-otea.hrdc-drhc.gc.ca/~lsweb/maternfr.htm

14. Layoffs, Dismissals, Unjust Dismissal and Severance Pay

Website 22: http://info.load-otea.hrdc-drhc.gc.ca/~lsweb/terminen.htm

French version at: http://info.load-otea.hrdc-drhc.gc.ca/~lsweb/terminfr.htm

Scroll past Division IX (Group Termination) to the more relevant sections on Layoffs, Individual Termination, and Severance Pay.

15. Sexual Harassment

Website 23: http://www.chrc-ccdp.ca/publications/antih1-lutte1.asp

French version at: http://www.chrc-ccdp.ca/publications/antih1-lutte1.asp?l=f

This Canadian Human Rights Commission website provides thorough coverage of harassment issues for employers including how to deal with them. It covers model policies and special considerations for small and mid-sized organizations such as First Nation and Inuit health employers.

16. Pensions and Benefits

Many websites on pensions cover information best suited to larger businesses and organizations rather than small businesses or not-for-profit organizations. The sites are often

designed as marketing tools to sell you a product rather than tell you what to look for. An exception to this is the following website:

Website 24: http://www.careerlinx.regina.sk.ca/empplaza/know/emplben.htm

This site is based in Regina, Saskatchewan but many of its pages provide a wealth of useful information for any employer. This page covers the different types of benefits that First Nation and Inuit health boards should consider. It explains mandatory, optional and flexible benefits.

Website 25: http://www.ccra-adrc.gc.ca/E/pub/gd/et4099w/3349e.w51.html

This site from the Canada Customs and Revenue Agency (formerly Revenue Canada) will give you a good idea of why you may need advice from someone with experience in employer-sponsored pension plans. The site provides an overview of registering your pension plan including where to register, the information you need to complete the form, types of plans, types of employees, etc.

Website 26: http://canada.justice.gc.ca/FTP/EN/Laws/chap/P/P-7.01.txt

This Justice Canada site provides a consolidation of the official version of the Pension Benefits Standards Act. It is text only with no formatting or graphics but could be useful for clarifying important requirements for an employer-sponsored pension plan.

17. Payroll Deductions

Website 27: http://www.ccra-adrc.gc.ca/menu/EmenuHSI.html

French version at: http://www.ccra-adrc.gc.ca/menu/FmenuHSI.html

Canada Customs and Revenue Agency (formerly Revenue Canada) has online guides to payroll deductions, which can be found by clicking on the most recently dated employer's guide for remitting payroll deductions. The site provides step-by-step guidance through the various forms which must be completed and is updated with each year's tax information. The document can be viewed only with Adobe Acrobat Reader. If you do not have Adobe Acrobat Reader, you can download it at

http://www.adobe.com/products/acrobat/readstep.html

18. Workers' Compensation

Website 28: http://www.awcbc.ca/english/wcb_links.htm

French version at: http://www.awcbc.ca/french/f_wcb_links.htm

The Association of Workers' Compensation Boards of Canada provides this site. It includes contact information for provincial and territorial workers' compensation boards and is hyperlinked to their websites. The content and links are reviewed frequently. The Workers' Compensation Board of the Northwest Territories and Nunavut will be added to this site when their website becomes available.

19. Provincial Health Insurance

Website 29: http://www.benefits.org

This commercial site is generally on benefits and is ultimately soliciting clients. However, if you scroll down to the bottom of the list it provides, you will find a hyperlink on provincial health insurance which leads you to basic information for each province and territory.

20. Canada Pension Plan (CPP)

Website 30: http://www.hrdc-drhc.gc.ca/isp/common/cpptoc_e.shtml

French version at: http://www.hrdc-drhc.gc.ca/isp/common/cpptoc_f.shtml

The information provided in this site is hyperlinked from its table of contents. The site includes application forms, frequently asked questions and is regularly updated. It is a useful site even though it is geared to employees rather than employers.

21. Quebec Pension Plan (QPP)

Website 31: http://www.rrq.gouv.qc.ca/an/rente/rente.htm

French version at: http://www.rrq.gouv.qc.ca/fr/rente/rente.htm

This site provides information for First Nation and Inuit health authorities in Quebec. Presently, the Quebec Pension Plan is an option only for non-status and non-reserve-resident employees.

22. Insurance

Many websites on insurance cover information best suited to larger businesses and organizations rather than small businesses and not-for-profit organizations. The sites are often designed as marketing tools to sell you a product rather than tell you what to watch out for. Although much of the content may be inappropriate for your purposes, sites sometimes include useful information on specific topics.

Website 32: http://www.ibc.ca/English/intro.htm

This website is provided by the Insurance Bureau of Canada, the trade association for property and casualty insurance. Although the site is somewhat overwhelming, it does provide links to insurance organizations across Canada and could be a useful starting point if you are having difficulties finding an organization with the information you need about insurance.